

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	Crim. No. 2:89-cr-24-S
v.)	Civ. No. 2:10-cv-392-S
)	
GERMAIN RAMIREZ-FERNANDEZ,)	
)	
Defendant)	
)	

The United States Magistrate Judge filed with the Court on October 12, 2010, her Recommended Decision (Docket No. 175). Defendant filed his Objection to the Recommended Decision (Docket No. 176) on November 1, 2010. Defendant filed a Certificate of Criminal Conviction which was produced by the Republic of Cuba (Docket No. 177) which the Court considers as an Attachment to Defendant's Objection to the Recommended Decision.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendant's 28 U.S.C. § 2255 Motion (Docket No. 171) is **DISMISSED**.

3. Should Ramirez-Fernandez file an appeal, this Court would grant a Certificate of Appealability because there is conceivably a substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2). The certificate is limited to the issue of whether under the principle set forth in Magwood this Court has jurisdiction to entertain the Petition under 28 U.S.C. § 2255(f)(4).

/s/George Z. Singal

U.S. District Judge

Dated this 23rd day of November, 2010.